

CPU Testimony Senate Judiciary Committee Addressing House Bill 4834

June 12th, 2012

Cannabis Patients United(CPU) submits for consideration our views to the Senate Judiciary Committee pertaining to House Bill 4834.

The Michigan Medical Marihuana Act was passed for two indomitable reasons. First, to allow sick and disabled patients access to medical marihuana; and then most importantly, to protect those patients from law enforcement and to ensure the confidentiality of participation in the program. CPU believes these core principles are being intruded upon in HB 4834.

After working with legislators this session, the overall purpose expressed by legislators is that they wish to "clarify" or "make clear" what the intent of the People was when they passed the Michigan Medical Marihuana Act in 2008. Unfortunately, HB 4834 goes contrary to the specific intent of the voters. Voters clearly intended to guarantee confidentiality and to preserve the blanket protections afforded to patients and their caregivers. It would be disingenuous to say this bill is simply being passed to "clarify" the Act; this bill outright changes the plain language and intent of the Act.

As stated by the Michigan Supreme Court in *People v King*:

"Because the MMMA (Michigan Medical Marijuana Act) was the result of a voter initiative, our goal is to ascertain and give effect to the intent of the electorate, rather than the Legislature, as reflected in the language of the law itself. We must give the words of the MMMA their ordinary and plain meaning as would have been understood by the electorate,"

The clear language of the Act shows that Law Enforcement is not intended to have access to the registry beyond the simple verification of a Registry Identification Card. The only access allowed is expressed in Sec. 6:

"(3) The department shall verify to law enforcement personnel whether a registry identification card is valid, without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card."

Any access beyond simple verification is clearly stated in the Act in "*ordinary and plain*" language to be a serious crime punishable by fine and/or imprisonment. CPU highly doubts the electorate intended for law enforcement to have the nearly unfettered access that is presented in HB 4834. In fact, the unmistakable clear intent of the voters was that the access requested in HB 4834 should be a crime punishable by imprisonment.

CPU vehemently opposes the access to the registry outlined in HB 4834 without a clear need expressed in the form of a search warrant issued upon the registry by a court of competent jurisdiction.

For these reasons and more, we request Senators vote against HB 4834.

Cannabis Patients United Board of Directors
David Brogren – President